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U.S. DISTRICT COURT  
AUGUSTA DIV.

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SO. DIST. OF GA.IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

## DUBLIN DIVISION

RICKIE DAVIS, SR.,

Plaintiff,

v.

CARL H. ROSEN, M.D.;  
CHRISTY MAIDI, Support Personnel;  
and CARL VINSON V.A.M.C.,

Defendants.

CV 320-011

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**ORDER**

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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 10.) The Magistrate Judge recommended dismissal of the case without prejudice because Plaintiff failed to timely effect service of process. (See doc. no. 8.) In his objections, Plaintiff repeats his arguments in response to the show cause order, (doc. no. 7), that he personally served Defendants with summons, (doc. no. 10, p. 1). He does not address the failure to serve Defendants in accordance with the Federal Rules of Civil Procedure.

However, as the Magistrate Judge explained, Plaintiff's personal delivery of summons to Defendants does not satisfy the requirements of the Federal Rules. (See doc. no. 8, pp. 2-3.) Plaintiff's contention that someone in the office of the Clerk of Court told him he did not have to return his proofs of service unless Defendants did not respond, (doc. no. 10, p. 1), does not change the requirements for properly effecting service of process. Likewise,

Plaintiff's objection that his claims are not barred by the statute of limitations supports the recommendation for dismissal, as the Magistrate Judge only considered the statute of limitations for purposes of determining whether any refiled action might be time-barred. (Doc. no. 8, pp. 3-4.) As the Magistrate Judge explained, nothing about the dismissal without prejudice for failure to timely effect service prevents Plaintiff from arguing a future case is timely filed.

Accordingly, the Court **OVERRULES** all of Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** Plaintiff's complaint without prejudice based on the failure to timely effect service, and **CLOSES** this civil action.

SO ORDERED this 18<sup>th</sup> day of June, 2020, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE